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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,152	08/06/2001	Takuro Enomoto	450100-03407	1512
20999	7590	11/17/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,152	Applicant(s) ENOMOTO ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2616	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/08/2004&06/27/5</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. Figures 1-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Timmermans (US Pat. No. 5, 583,653).

Regarding claim 1, Timmermans discloses an information recording apparatus for recording information on a predetermined recording medium, said information recording apparatus comprising (see abstract):

creation means for creating search data from main image data (see col. 7 lines 37-45);
and

recording means for recording said search data created by said creation means and said main image data on said recording medium (see col. 6 lines 3-7),

wherein said creation means creates first data by which an image can be displayed over one entire one screen (see col. 7 lines 37-50 and col. 23 lines 7-17), and second data for enhancing the image quality of said image displayed by said first data (see col. 6 lines 7-12, col. 7 lines 50-67, and col. 23 lines 7-17), each being used as said search data, and said recording means records said first data and said second data in a predetermined sequence (see col. 7 lines 8-14, col. 10 lines 23-35, and col. 28 lines 34-46).

Regarding claim 2, Timmermans discloses recording means records said second data after said first data is recorded (see col. 28 lines 35-39).

Regarding claim 3, Timmermans discloses creation means creates each of said first data and said second data in such a manner so as to be divided into a plurality of portions in predetermined units (see col. 10 lines 36-41 and line 61-col. 11 line 28, and fig. 4).

Regarding claim 4, Timmermans discloses predetermined units are units of blocks in which error checking is performed (see col. 11 lines 1-13, col. 20 line 52-col. 21 line 13 and 53-col. 22 line 8).

Regarding claim 5, Timmermans discloses creation means creates said second data corresponding to the central portion of one screen of said image, and at least one piece of said second data corresponding to a portion which is outside the central portion (see fig. 26 and col.23 lines 7-17 and line 55-col. 24 line 17), and

said recording means records a plurality of pieces of said second data in a sequence from the data corresponding to the central portion of one screen of said image to the data corresponding to a portion outside the central portion (see col. 24 line 54-col. 25 line 4).

Regarding claim 6, Timmermans discloses recording means records said first data in said predetermined units in such a manner as to be obtained by one trace during reading (see col. 21 lines 44-52 and col. 25 lines 31-57).

Regarding claim 7, Timmermans discloses search data is composed of image data and control data (see col. 7 lines 8-26), said control data has a packet structure in which a search header and subcode data which is the same as said main image data are written in such a manner so as to be divided (see col. 23 lines 17-31), and the packet header of said packet structure indicates which data is written in said control data (see fig. 19 and col. 20 line 52-col. 21 line 13).

Regarding claim 8, method claim 8 is rejected for the same reason as discussed in the apparatus claim 1 above.

Regarding claim 10, Timmermans discloses an information reading apparatus for reading information recorded on a predetermined recording medium, said information reading apparatus comprising:

acquiring means for acquiring search data, which is composed of image data and control data, recorded on said recording medium (see col. 7 lines 8-26); and

display control means for controlling the display position of said image data on the basis of coordinate information contained in said control data (see col. 6 lines 56-65 and col. 7 lines 8-26).

Regarding claim 11, Timmermans discloses interpolation means for interpolating a display image by using said search data obtained by said acquiring means when said search data obtained by said acquiring means is less than the required amount of data for one screen of the display image (see col. 23 line 56-col. 24 line 17).

Regarding claim 12, method claim 12 is rejected for the same reason as discussed in the apparatus claim 10 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmermans.

Regarding claims 9 and 13, the limitations in claims 9 and 13 can be found in the apparatus claims 1 and 10 respectively. However claims 9 and 13 further require a recording medium storing a computer readable program, and causing a computer for reading information on a predetermined recording medium to execute steps as claimed in claims 1 and 10. Official notice is taken that it is well known in the art to embody inventions in software to be executed by a computer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Timmermans by having a record medium capable of being read by a computer tangibly embodying a program causing the computer to execute the steps of the apparatus claims

1 and 10. The motivation for having a recordable by a computer is that such a method can be easily enhanced and executed multiple times.

Regarding claims 14-20, the limitations in claims 14-20 can be found in the apparatus claims 1-7 respectively. However claims 14-20 further require a magnetic tape format. Although Timmermans fails to specifically teach a magnetic tape format that performs the steps as claimed in claims 1-7, Timmermans suggested an alternative equivalent magnetic recording device (see col. 6 lines 12-14). Official Notice is taken that it is well known in the art to use magnetic tape recording device. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching in Timmermans by using a magnetic tape in order to get a less expensive device.

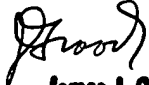
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
November 4, 2005


James J. Groody
Supervisory Patent Examiner
Art Unit 262-2616